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                             UNITED STATES DISTRICT COURT
                          NORTHERN DISTRICT OF CALIFORNIA
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                                 SAN FRANCISCO DIVISION
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                                                   Case No.: 3:17-cv-00939 WHA
     WAYMO LLC,
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                                                   DECLARATION OF MILES EHRLICH
                  Plaintiff.
                                                   IN SUPPORT OF PLAINTIFF
14
                                                   WAYMO'S ADMINISTRATIVE
           v.
                                                   MOTION TO FILE UNDER SEAL
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                                                   PORTIONS OF ITS MOTION FOR
                                                   CONTINUANCE OF TRIAL DATE
    UBER TECHNOLOGIES, INC., et al.,
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                  Defendants.
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    I, Miles Ehrlich, declare as follows:
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           1.
                  I am an attorney licensed to practice in the State of California and am admitted to
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    practice before this Court. I am a partner at the law firm Ramsey & Ehrlich LLP, counsel for
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    Non-Party Anthony Levandowski. I have personal knowledge of the matters set forth in this
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    Declaration, and if called as a witness I would testify competently to those matters.
           2.
25
                  I make this declaration in support of Waymo's Administrative Motion to File
    Under Seal Its Motion For Continuance of Trial Date, filed on September 16, 2017, Docket No.
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     1603 ("Waymo's Administrative Motion"). The Administrative Motion seeks an order sealing
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    the following documents based on Mr. Levandowski's designation of privilege:
    EHRLICH DECLARATION ISO WAYMO'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL
    Case No. 3:17-00939-WHA
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Document	Portion to Be Filed Under Seal	Designating Party
Waymo's Reply in Support of Motion for Continuance of Trial Date ("Waymo's Motion")	Highlighted Portions	Anthony Levandowski
Exhibit 1 to Waymo's Motion	Entire Document	Anthony Levandowski
Exhibit 2 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 4 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 6 to Waymo's Motion	Entire document	Anthony Levandowski
Exhibit 13 to Waymo's Motion	Entire document	Anthony Levandowski

- 3. The highlighted portions of Waymo's Motion primarily reflect the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. *See, e.g.*, Non-Party Anthony Levandowski's Motion for Protective Order, filed on September 19, 2017, Dkt. No. 1682. The highlighted portion of Waymo's Motion at footnote 3 on page 14 does not contain any reference to materials that Mr. Levandowski asserts are protected from disclosure and therefore does not merit sealing. Aside from footnote 3 on page 14, we ask that the confidentiality of the remaining highlighted portions of the brief be maintained until Mr. Levandowski's Motion for Protective Order is resolved.
- 4. Exhibits 1, 2, and 4 to Waymo's Motion constitute the Stroz report and certain exhibits thereto. For the reasons stated in paragraph three above, we ask that the confidentiality of these documents be maintained until Mr. Levandowski's Motion for Protective Order is

resolved. 5. Although Waymo has designated Exhibits 6 and 13 to Waymo's Motion as confidential in their entirety, Mr. Levandowski does not assert that these materials merit sealing. I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed in Berkeley, California, on September 20, 2017. Date: September 20, 2017 Respectfully submitted, /s/ Miles Ehrlich Miles Ehrlich Ramsey & Ehrlich LLP Counsel for Non-Party Anthony Levandowski